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ABSTRACT

This digest summarizes available information on the educational needs of disabled youth in correctional facilities. The high incidence of disabilities among incarcerated youth is noted and explanations are offered (e.g., they may not be recognized as disabled). The following topics are addressed: entitlement of youths with disabilities in correctional facilities to the substantive and due process rights of Public Law 94-142; the types of correctional programs in which special educational services are provided; agencies that provide special education services to incarcerated youth; and practices recommended for special education of incarcerated youth, such as functional assessment and instruction, transition services, and collaborative linkages. Includes 11 references. (DB)

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JUVENILE CORRECTIONS AND THE EXCEPTIONAL STUDENT

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Approximately 84,000 juveniles are incarcerated in detention centers and corrections facilities in the U.S., a figure that reflects a 14% increase from 1984 to 1989 (Nelson & Rutherford, 1989). It has been estimated that 28% of these youths have been identified as having disabilities (Rutherford, Nelson, & Wolford, 1989). There is some evidence that this estimate is low—studies have found that even higher numbers were identified as disabled by their school districts prior to their incarceration (Perryman, DiGangi, & Rutherford, 1989; Nelson & Rutherford, 1989). The most common disabling conditions among incarcerated youth are mild to moderate mental retardation, learning disabilities, and behavior disorders. There is no cause-and-effect relationship between these conditions and illegal behavior, but some of the social disadvantages and characteristics associated with them may lead to increased likelihood of contact with the criminal justice system.

Why Are Adolescents With Disabilities Disproportionately Incarcerated?

Poorly developed social skills and lack of ability to comprehend questions and warnings increase the likelihood that disabled offenders will be committed to correctional facilities, and may make these youths vulnerable to inequitable treatment by the juvenile justice system. For example, youths with mental retardation may:

- Not understand the rights read to them.
- Confess and say what they think another person wants to hear.
- Have difficulty communicating with lawyers and court personnel.
- Not be recognized as mentally retarded.

In addition, they are more likely to plead guilty, less likely to plea bargain for reduced sentences, more often convicted, and less likely to have their sentences appealed or placed on probation or parole. They serve longer sentences than nonretarded persons incarcerated for the same crimes (Santamour, 1987). It has been recommended that, in addition to providing social skills instruction, secondary school curricula for youth with disabilities include law-related education that focuses on teaching adolescents their legal rights and helping them develop a sense of community (Bannon & Leone, 1987).

Are Youths With Disabilities In Correctional Facilities Entitled To The Substantive And Due Process Rights Of P. L. 94-142?

Yes. When P.L. 94-142, the Education for All Handicapped Children Act of 1975, was passed, very few education programs operated by the juvenile justice system assessed students who might have disabilities. Under P.L. 94-142, a youth with a disability who is incarcerated has the same right to a free, appropriate education as any other youth with a disability. State education agencies are charged with supervising all other agencies involved in the education of juvenile offenders who have disabilities (Forbes, 1991). Many correctional education programs have had to develop systems for screening, identifying, assessing, and instructing incarcerated youth with special educational needs. Many of the provisions of the law have been difficult to implement in the environment of the juvenile justice system.

What Are The Types Of Correctional Programs In Which Educational Services Are Provided?

Detention centers confine juveniles waiting for hearings or spending brief periods in custody. Other correctional institutions, such as training or reform schools, hold youths for longer periods of time and provide educational programs modeled after secondary school programs, often including remedial and vocational courses. Frequently, these programs are designed to assist students in passing the GED (General Education Development) examinations. Camps, ranches, and specialized treatment facilities are generally smaller and remotely located. They also confine youths for longer periods of time and typically involve them in work related to the operation of the facility. They often provide education through distributive education programs in which students spend half of their time in school and the other half working. Individualized educational curricula are often not provided (Leone, Rutherford, & Nelson, 1991).

The mobility of students in correctional institutions interferes with the continuity of their educational programs. In special education, this mobility can make providing due process protection and assessments very difficult. Previous school records can be difficult to obtain because of inadequate links with public school systems. At the longer-term camps and ranches, the facility's small size and remote locations can hinder the provision of special education services. Despite these problems, special education services are provided at most juvenile detention centers and correctional institutions. However, many of these programs do not adequately meet student needs (General Accounting Office, 1985).

Juvenile corrections facilities have traditionally been operated by the criminal justice system, but in recent years, there has been a trend toward increased use of private agencies to provide these services, particularly for less serious offenders (U.S. Department of Justice, 1988).

Who Provides Special Education Services To Incarcerated Youth?

Teachers who work with incarcerated youth are employed by a variety of different agencies such as the public schools, social service agencies, juvenile justice or corrections agencies, or private agencies that operate juvenile correction facilities under contract. The administrative support and resources available to them vary with the source of their funding and state perceptions of the criminal justice system.

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Many students in correctional programs experience positive relationships with teachers and the educational process for the first time because of small classes and the empathy shown by teachers (Egan, 1987). Several studies have shown that students who developed strong relationships with program specialists were more successful both academically and vocationally than those who did not develop such relationships (Forbes, 1991).

What Practices Are Recommended For Special Education Of Incarcerated Youth?

Practices that support meaningful special education programs in juvenile correction facilities include functional assessment, curricula, and instruction; transition services; and collaborative linkages.

Although standardized assessments are usually conducted when juvenile offenders enter a correctional facility, they are rarely used for assigning students to specific programs and have little value in identifying disabilities. Functional assessments are more useful for these purposes. Functional assessments involve continuous measurement that identifies discrepancies between the student's educational achievement, social and vocational adjustment, and ability to function independently in an educational program. The results are used to make adjustments to the student's educational program.

A functional educational curriculum is one that meets a student's individual needs. In addition to academic instruction, youthful offenders with disabilities often need instruction in the social, daily living and vocational skills that will enable them to interact appropriately with others, find and hold a job, and live independently in their communities.

Positive, direct instructional strategies are important to functional instruction. Although there must be realistic and sometimes negative consequences for inappropriate, maladaptive, or deviant behavior, the primary focus of instruction should be on reinforcing appropriate academic and social behaviors. Applied behavior analysis is especially useful in intervention and evaluation: It is a systematic, performance-based method of changing behavior, in which measurable daily living, vocational and academic skills are specified and the effects of instruction evaluated.

A successful transition to the community requires the coordinated efforts of institutional staff, families, probation and aftercare professionals, and educators. Many youths do not adapt well to changes in their environments or to societal expectations for law-abiding behavior. Furthermore, many youths with disabilities do not return to school after leaving correctional institutions. One model to promote the transition of juvenile offenders into the community, the Juvenile Corrections Interagency Transition Model (Webb, Maddox, & Edgar, 1985), has been tested extensively in the State of Washington and in other areas. The model includes strategies in four areas: awareness activities, transfer of records, preplacement planning, and maintenance of placement and communication. Studies indicate that the model has a positive impact on the reintegration of adolescents.

One of the most important issues facing juvenile corrections today is the need for collaborative linkages among courts, schools, correctional facilities, and aftercare programs. Comprehensive and coordinated linkages often do not exist and must be established so that:

- Juvenile court judges make sentencing and placement decisions that take the offender's special education needs into account.
- Educational records are transferred with the youthful offender into and out of correctional education.
- Parole and other after-care programs are linked to both the correctional education program and the public schools to provide continuous and meaningful special education services.

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